



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

275236

James R. Paschall
Senior General Attorney

(757) 629-2759

VIA UPS NEXT DAY AIR

Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

June 11, 2009



Re: STB Docket No. AB-290 (Sub. No. 309X), Norfolk Southern Railway
Company – Abandonment - In Maryville, Blount County, Tennessee –
Notice of Exemption

Dear Ms. Quinlan:

Enclosed for filing with the Board in the captioned proceeding are an original and
ten copies of the Notice of Exemption. Also enclosed is a check in the amount of
\$3,700.00 to cover the filing fee.

Thank you for your assistance.

FILED

JUN 12 2009

**SURFACE
TRANSPORTATION BOARD**

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

FEE RECEIVED

JUN 12 2009

TRANSPORTATION BOARD

FILED

JUN 12 2009

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 309X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN MARYVILLE, BLOUNT COUNTY, TENNESSEE

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts 15.50-KA and 16.16-KA in Maryville, Blount County, Tennessee (the "Line").

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of Assistant General Manager J. L. Wagner confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in

favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts 15.50-KA and 16.16-KA in Maryville, Blount County, Tennessee, will be August 1, 2009.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 0.66 miles of track between mileposts 15.50-KA and 16.16-KA in Maryville, Blount County, Tennessee. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 37804.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8


Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John H. Friedmann', is written over a horizontal line.

John H. Friedmann
Vice President
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: June 11, 2009

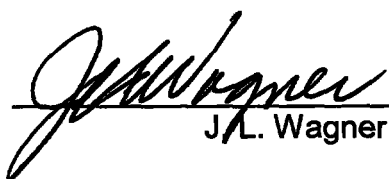
CERTIFICATION

STATE OF GEORGIA:

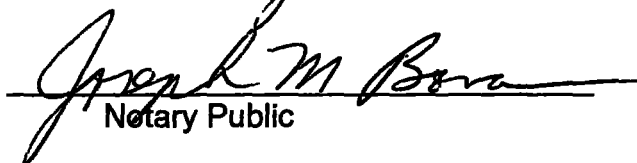
SS:

CITY OF ATLANTA:

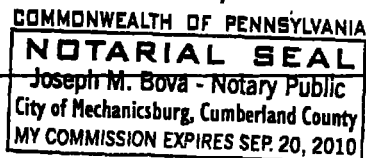
J. L. Wagner makes oath and says that he is Assistant General Manager Western Region for Norfolk Southern Railway Company; that the line between milepost 15.50 KA and milepost 16.16 KA in Maryville, Blount County, Tennessee, which is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


J.L. Wagner

Subscribed and sworn to before me
this 5th day of June, 2009.


Notary Public

My commission expires:



CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Daily Times*, Maryville, Tennessee, on May 19, 2009 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).




James R. Paschall

Dated: June 11, 2009

VERIFICATION

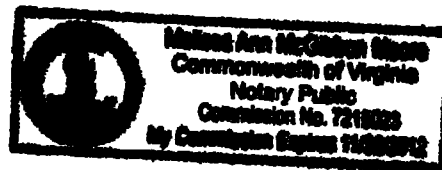
COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 309X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.


John H. Friedmann

Subscribed and sworn to before me
this 8th day of June, 2009.


Notary Public



My commission expires:

11/30/2012

[SEAL]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon the following parties, by first class mail, postage prepaid, on June 11, 2009:

Gerald Nicely, Commissioner
Tennessee Dept. of Transportation
James K. Polk Building
505 Deaderick Street, Suite 700
Nashville, TN 37243

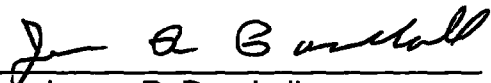
Eddie Roberson, Interim Chairman
Tennessee Regulatory Authority
460 James Roberts Parkway
Nashville, TN 37243

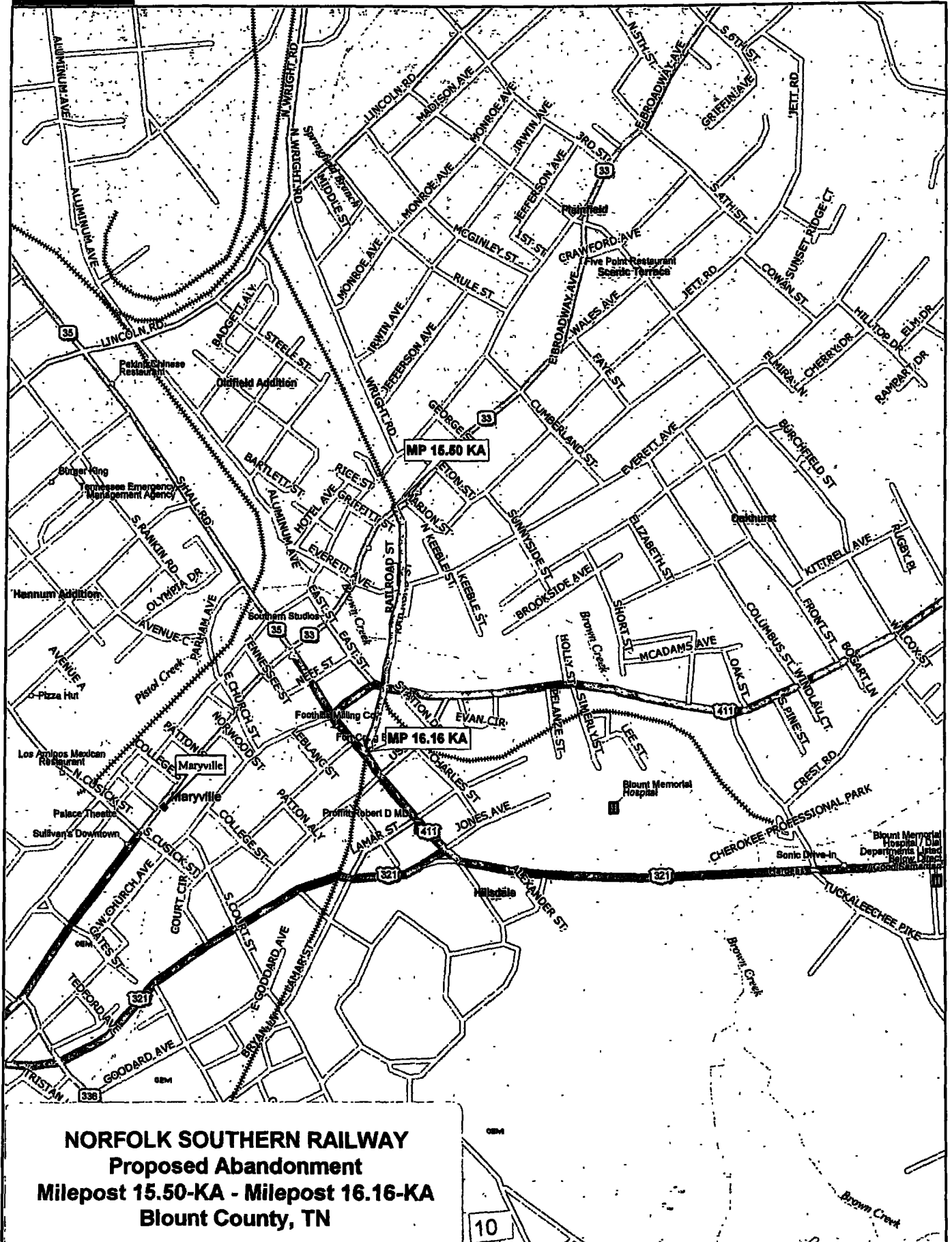
U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Regional Director
National Park Service-Southeast Region
100 Alabama Avenue, S.W.
Atlanta, GA 30303

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225


James R. Paschall



NORFOLK SOUTHERN RAILWAY
Proposed Abandonment
Milepost 15.50-KA - Milepost 16.16-KA
Blount County, TN

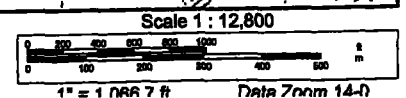


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 309X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP 15.50-KA and MP 16.16-KA,
IN BLOUNT COUNTY, TENNESSEE**

ENVIRONMENTAL REPORT

**April 14, 2009
Revised May 14, 2009**

.....
**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

NORFOLK SOUTHERN RAILWAY COMPANY

STB DOCKET NO. AB-290 (Sub-No. 309X)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon 0.66 miles of rail line between railroad milepost 15.50-KA and railroad milepost 16.16-KA in Blount County, Tennessee. The line proposed for abandonment has been dormant for many years.

Following abandonment, the line segment will be salvaged. The alternatives to abandonment of the entire line are to not abandon the line or to retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by customers were this line segment retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3)- Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: The proposed abandonment involves 0.66 miles of rail line located in Blount County, Tennessee. The land along this line is in an urban area. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Mayors of Maryville and Blount County. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: There is no Coastal Zone Management Program in the State of Tennessee.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR does not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation*

Plan.

RESPONSE: The above thresholds will not be exceeded. Blount County, Tennessee is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of 8-hr ozone.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. There are two grade crossings located on the line: Evergreen Avenue, MP 15.61-KA and Sevierville Road, Milepost 15.98-KA.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

In their response, the U. S. Fish and Wildlife Service states that the proposed action is not expected to significantly impact fish and wildlife resources. A copy of this response is attached in **Exhibit C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Tennessee Department of Environment and Conservation and from the United States Environmental Protection Agency.

The response received from the United States Environmental Protection Agency is attached in **Exhibit C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

In their response, a copy of which is attached in **Exhibit C**, the US Army Corps of Engineers, Nashville District, advised that no permit would be required.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested

from the Environmental Protection Agency and from the Tennessee Department of Environment and Conservation.

The response received from the United States Environmental Protection Agency is attached in **Exhibit C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

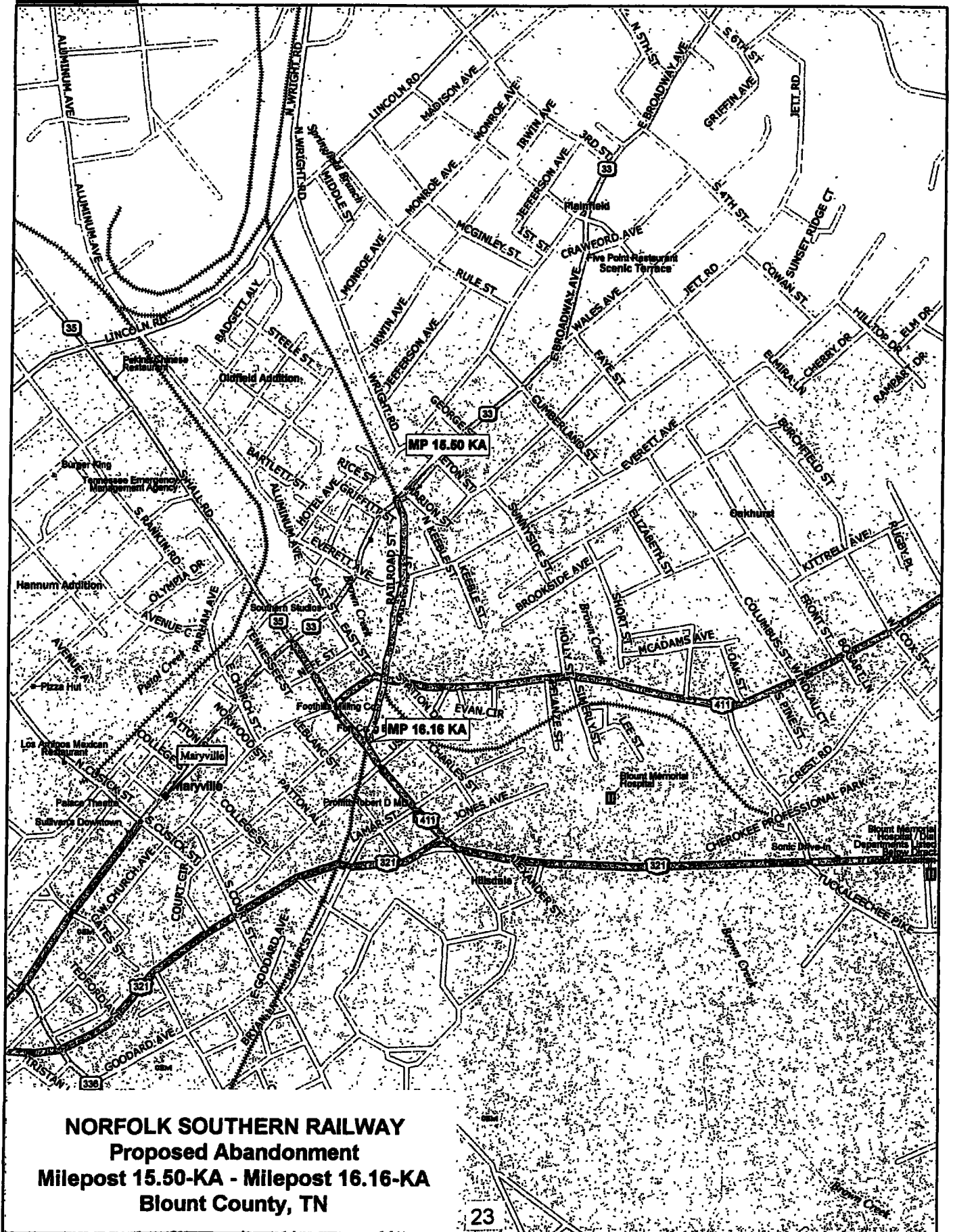
RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey that states that approximately two (2) geodetic survey marks may be located in the area described and if the marks will be disturbed by the abandonment, the railroad shall consult with NGS at least 90 days prior to beginning salvage activities.

APPENDIX A

Site Map



APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP 15.50-KA and MP 16.16-KA, a distance of 0.66 miles, located in Blount County, Tennessee.

**Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219**

**Mr. Jerry Cunningham
Mayor of Blount County
341 Court Street
Maryville, TN 37804**

**Mr. Joe Swann
Mayor of Maryville
1509 S Court Street
Maryville, TN 37803**

**United States Army Corps of Engineers
Nashville District
P. O. Box 1070
Nashville, TN 37202**

**US Fish and Wildlife Service
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345**

**USDA-NRCS
675 US Courthouse
801 Broadway
Nashville, TN 37203**

**US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303**

**Tennessee Department of
Environmental and Conservation
401 Church Street
L & C Annex, 1st Floor
Nashville, TN 37243**

**National Park Service
Southeast Region
100 Alabama Street, S.W.
Atlanta, GA 30303**

**National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910**



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

April 14, 2009

RE: Docket No. AB-290 (Sub-No. 309X), Norfolk Southern Railway Company
Abandonment – in Blount County, Tennessee

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost 15.50-KA and Milepost 16.16-KA, a distance of 0.66 miles, located in Blount County, Tennessee.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses



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Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

November 13, 2008

USFWS – Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

RE: Docket No AB-290 (Sub-No. 309X), Norfolk Southern Railway Company -
Abandonment – in Maryville, Blount County, Tennessee

Dear Sir or Madam:

Norfolk Southern Railway Company is considering the abandonment of 0.66 miles of rail line between Milepost 15.50-KA and Milepost 16.16-KA in Maryville, Blount County, Tennessee. A map is included delineating the area under consideration.

During the removal of track and materials, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. There is one bridge on the line that crosses Broadway Avenue. During the removal of track and materials the bridge may be removed and the debris or other material will be removed from the area. No waterways will be affected.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."
- (ii) "State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects."

No significant adverse impacts to wetlands
or federally listed endangered or threatened
species are anticipated from this proposal.

29

for Mark Jennings 1-6-09
Field Supervisor Date
U. S. Fish and Wildlife Service
Cookeville, TN 38501



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960**

NOV 26 2008

**Ms. Kathy Headrick
Coordinator Abandonments
Strategic Planning – 12th floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510**

Dear Ms. Headrick:

This letter is in response to the letter of November 13, 2008, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of a portion of Norfolk Southern Railway Company, rail line in Maryville, Blount County, Tennessee.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one acre or more of land is disturbed by clearing or grading and if storm water discharges from this disturbance enter a surface water body, either by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. The State of Tennessee Department of Environment and Conservation (TDEC) has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Nuhfer", written over a horizontal line.

**Mark J. Nuhfer
Chief
Municipal & Industrial NPDES Section
Pollution Control & Implementation Branch**

cc: Vojin Janjic, TDEC (with original letter from Norfolk Southern)



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

January 23, 2009

REPLY TO
ATTENTION OF

Regulatory Branch

SUBJECT: File No. 2009-00126; Railway Segment Abandonment
Between Mileposts 15.50-KA and 16.16-KA, 0.66 Miles, in
Maryville, Blount County, Tennessee.

Ms. Kathy Headrick
Norfolk Southern Corporation
Strategic Planning-12th Flr.
3 Commercial Place
Norfolk, VA 23510

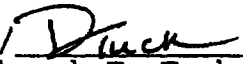
Dear Ms. Headrick:

This is in response to your letter dated November 13, 2008
requesting our review/comments of the subject proposal.

Based on the information provided, it does not appear that
the railway abandonment would impact waters of the U.S.,
including wetlands, with deposition of fill or dredged material.
Therefore, a permit would not be required.

We appreciate your awareness of our regulatory program. If
you have any questions, you can contact me at the above address,
telephone (615) 369-7518, or by email at
deborah.t.tuck@usace.army.mil.

Sincerely,

/s/ 
Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

CELRN-OP-F/E, Elliott (via email)

Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Friday, April 24, 2009 12:23 PM
To: Kirchner, Marc C.
Cc: Headrick, Kathy, C; Surface Transportation Board; National Society of Professional Surveyors; Gilbert Mitchell
Subject: [NGS Response, STB Docket AB-290 (SUB NO. 309X)]

Thank you for sharing your railroad abandonment environmental report for
 Maryville, Blount County, TENNESSEE.

Approximately 02 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
 consult with the National Geodetic Survey (NGS) at least 90 days prior to
 beginning salvage activities that will disturb, or destroy any geodetic station
 marks are described on the attached file. Additional advice is provided at
<http://geodesy.noaa.gov/marks/railroads/>

| Dist | PID... | H V | Vert_Source | Latitude..... | Longitude..... | Stab | Designation |
|------|--------|-----|-------------|---------------|----------------|------|-------------|
| ---- | ----- | - - | ----- | ----- | ----- | ---- | ----- |
| | FB1768 | . 1 | 88/ADJUSTED | N354530..... | W0835752..... | D... | S 10 |
| | FB2205 | . 3 | 88/RESET... | N354530..... | W0835752..... | C... | S 10 RESET |

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Revised Environmental Report in Docket No. AB-290 (Sub-No. 309X) was mailed via first class mail on April 14, 2009, to the following parties:

Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219

Mr. Jerry Cunningham
Mayor of Blount County
341 Court Street
Maryville, TN 37804

Mr. Joe Swann
Mayor of Maryville
1509 S Court Street
Maryville, TN 37803

United States Army Corps of
Engineers
Nashville District
P. O. Box 1070
Nashville, TN 37202

US Fish and Wildlife Service
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
675 US Courthouse
801 Broadway
Nashville, TN 37203

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303

Tennessee Department of
Environmental and Conservation
401 Church Street
L & C Annex, 1st Floor
Nashville, TN 37243

National Park Service
Southeast Region
100 Alabama Street, S.W.
Atlanta, GA 30303

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



Marcellus C. Kirchner

April 14, 2009

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 0.66 miles of rail line between railroad milepost 15.50-KA and railroad milepost 16.16-KA in Blount County, Tennessee. The line proposed for abandonment has been dormant for many years. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad. Following abandonment, rail and track materials will be salvaged.

The alternatives to abandonment of the entire line are to not abandon the line or to retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Tennessee Historical Commission.
- (2) **Written Description of Right of Way** -- The right of way width is 50 feet on each side of the main track centerline. The line passes through rural areas.

(3) **Photographs** – Photographs of the sole structure on the line, a bridge located at milepost 15.50-KA, which crosses Broadway Avenue, were furnished to the Tennessee Historical Commission.

(4) **Date of Construction of Structures** – The sole structure on the line segment proposed for abandonment is a frame timber trestle built around 1900, with a steel center span of simple design added around 1916. No other changes have been made to the structures other than periodic normal maintenance to replace worn components.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 0.66-mile segment of rail line between Mileposts 15.50-KA and 16.16-KA in Blount County, Tennessee.

This line segment was originally part of the Knoxville and Charleston Railroad Company, which was incorporated under an act of the State of Tennessee on February 18, 1852. The Knoxville and Charleston Railroad Company completed 16 miles of line between Knoxville, Tennessee and Maryville, Tennessee in 1867, with aid from the State of Tennessee. The State of Tennessee filed a bill to foreclose the State's mortgage on the line for \$816,500 due from the Knoxville and Charleston Railroad Company on January 20, 1871. The Knoxville and Charleston Railroad Company was sold at foreclosure to the State of Tennessee on April 2, 1873, and resold on April 10, 1875 to interests who conveyed the property to the Knoxville and Augusta Railroad Company on November 14, 1878, filed August 9, 1879. For the next two years, the Knoxville and Augusta Railroad Company operated locally without reference to any schemes for a through line.

In 1881, the Richmond Terminal Company, working in the interest of the Richmond and Danville Railroad Company, revived the old, previously failed Blue Ridge Railroad scheme in pursuance of a plan to extend the Richmond and Danville railroad system to Knoxville. To that end, early in 1881, the Richmond Terminal Company acquired the Knoxville and Augusta Railroad Company. The Blue Ridge Railroad scheme failed again, but the Knoxville and Augusta Railroad Company line continued in operation as a local road.

In 1890, the Richmond Terminal Company was in control of the East Tennessee, Virginia and Georgia Railway Company and no longer had reason to maintain control of the Knoxville and Augusta Railroad Company. Thus, on February 19, 1890, the Knoxville and Augusta Railroad Company was sold to the East Tennessee, Virginia and Georgia Railway Company. The Knoxville and Augusta Railroad Company was subjected to the lien of the East Tennessee First Extension Mortgage, dated June 1, 1887, which was subsequently satisfied on August 26, 1895. It was also subjected to the lien of the East Tennessee General Mortgage, dated December 1, 1890, and was sold in foreclosure of that mortgage in 1895 and the property was vested in Southern Railway Company.

Southern Railway Company began work on an extension of the line for 9 miles between Maryville, Tennessee and Gamble's Store, Tennessee on the Little River in 1899-1900 in order to serve certain timber lands in development in Blount and Sevier Counties, Tennessee.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was

successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway line, 3,940 miles of which were owned and 492 miles of which were leased.

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parenthesis were organized on the dates of purchase for the sole purpose of

acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western

Railway Co., 1981) and Burke Davis, *The Southern Railway: Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into Norfolk Southern Railway Company, effective September 1, 1998.

Blount County was established in 1795 when a part of Knox County was separated by the Territorial Legislature. It was named after William Blount, Governor of the Territory of the United States "South of the River Ohio." Census estimates for 2006 show a population of 118,186.

The City of Maryville was established on July 11, 1795, by an act of the General Assembly of the Territory South of the Ohio River. The city was named in honor of Mary Grainger Blount, wife of Governor William Blount. As of July, 2007, Maryville had 26,766 residents.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative

to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - While plans may be

available for the structure on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

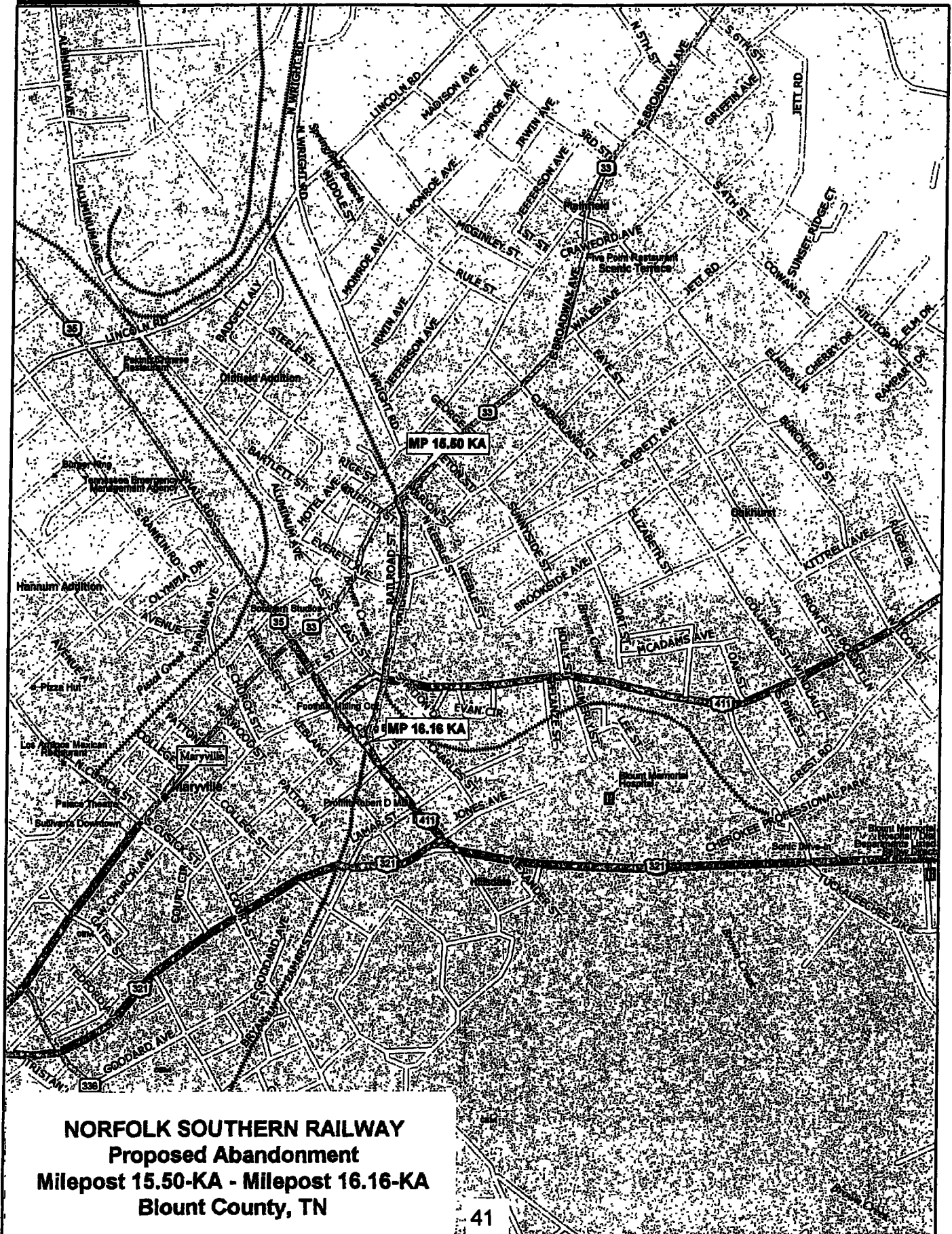
(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – NSR's opinion is that neither the structure on the line to be abandoned nor the

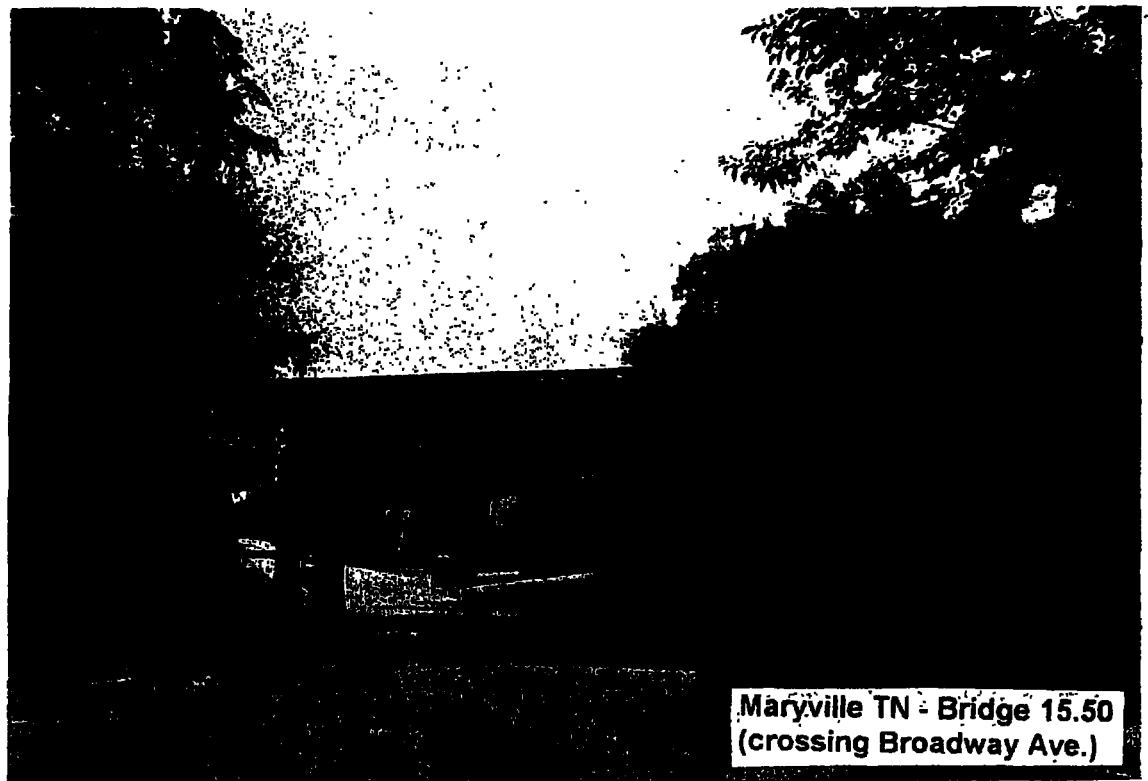
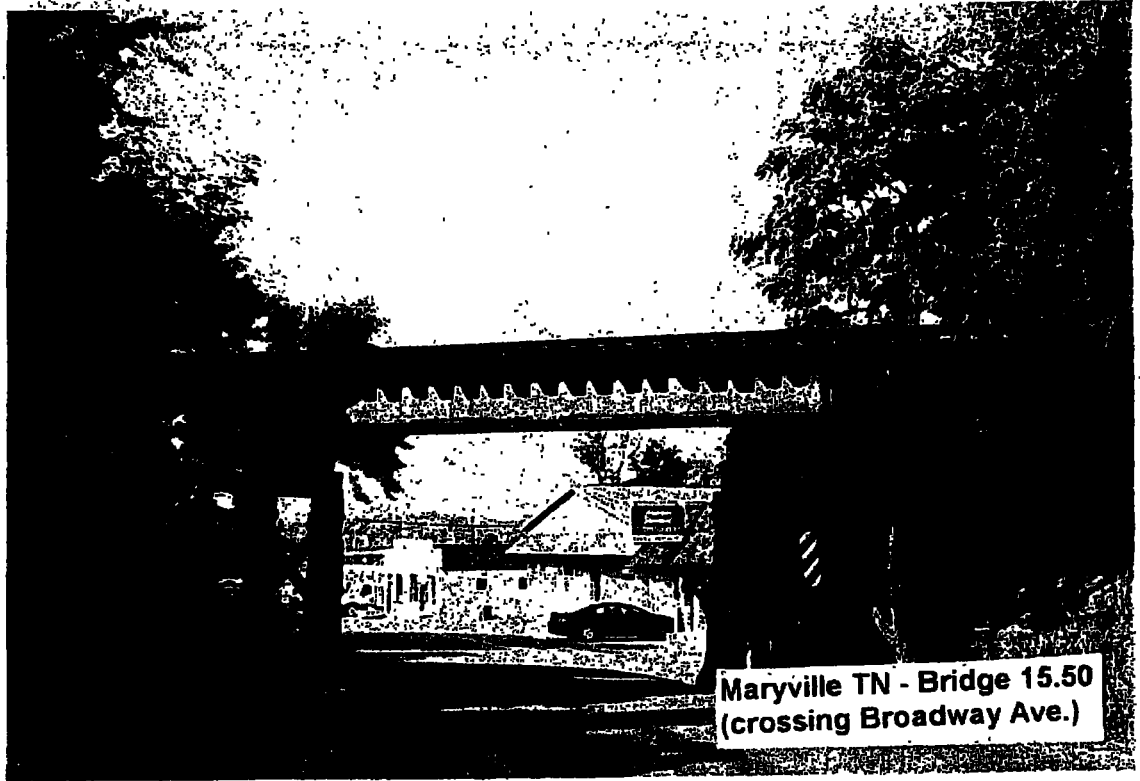
line itself meet the criteria for listing in the *National Register of Historic Places*. The structure is a bridge which is short in length and ordinary in design and construction. There is nothing that distinguishes the bridge from others in the region. NSR has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

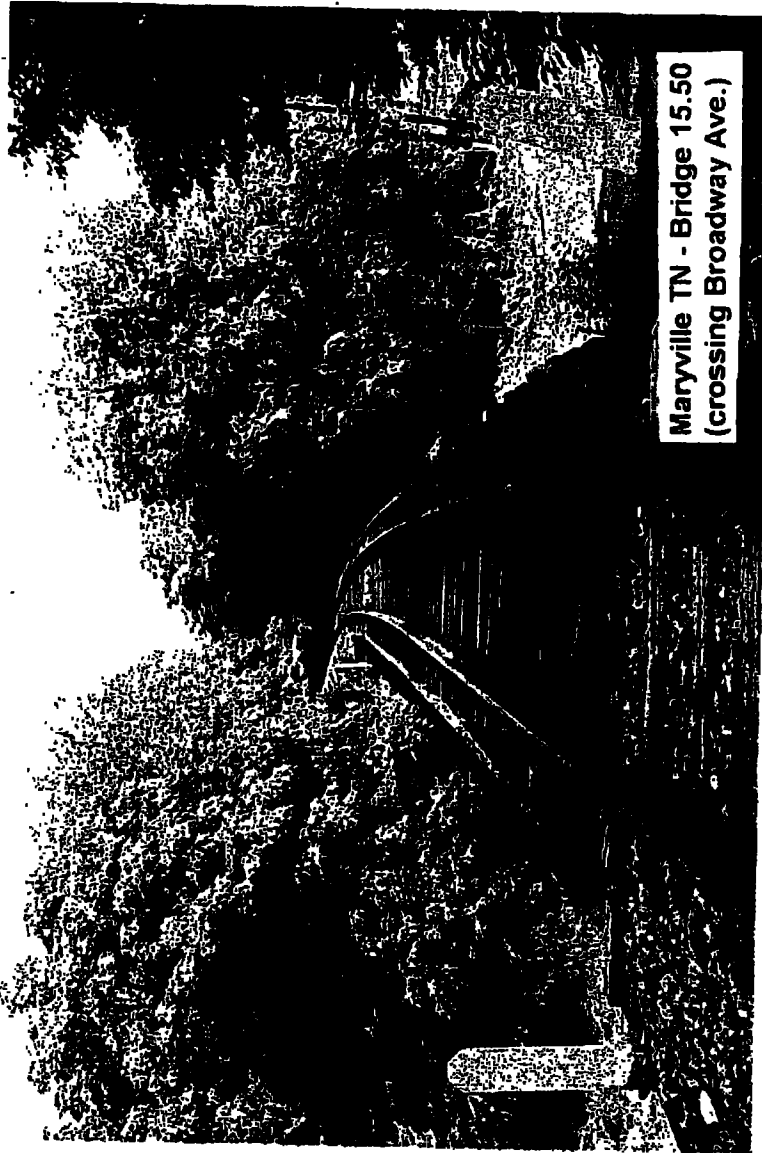
(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

– NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) Follow-Up Information - Additional information will be provided as appropriate.







**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 309X) was mailed via first class mail on April 17, 2009 to:

Mr. E. Patrick McIntyre, Jr., Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37243-0442



Marcellus C. Kirchner

April 17, 2009



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

April 17, 2009

Mr. E. Patrick McIntyre, Jr., Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37243-0442

RE: STB Docket No. AB-290 (Sub-No. 309X), Norfolk Southern Railway
Company - Abandonment - in Maryville, Blount County, Tennessee

Dear Mr. McIntyre:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 0.66 miles of rail line between railroad mileposts 15.50-KA and 16.16-KA, in Maryville, Blount County, Tennessee. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, a topographical map and photographs of the structure on the line.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

Marcellus C. Kirchner

Enclosures

cc: James R. Paschall, Esq.

April 24, 2009



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. Marcellus C. Kirchner
Norfolk Southern Corp.
Three Commercial Place
Norfolk, Virginia, 23510-2191

RE: STB, AB-290 SUB NO. 309X, MARYVILLE, BLOUNT COUNTY

Dear Mr. Kirchner:

In response to your request, received on Tuesday, April 21, 2009, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

After considering the documents you submitted, we determine that **THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING.** We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

If your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at <http://www.tennessee.gov/environment/hist/federal/sect106.shtm>. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg

AFFIDAVIT OF PUBLICATION IN

The Daily Times

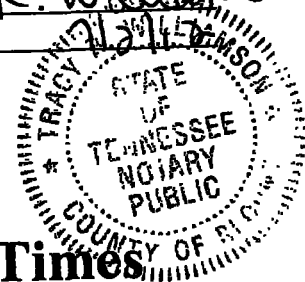
State of Tennessee, County of Blount,
ss: F. Max Crotser being duly sworn,
deposes and says that he is the Publisher of
the Daily Times, a newspaper published in
Maryville, Blount County, Tennessee and
that the notice hereto attached was published
1 consecutive days/weeks in said news-
paper, first publication date being
May 18, 2009, the last
publication date being _____,
2009.

Signed: F. Max Crotser.

Subscribed and sworn to before me this

8 day of June, 2009.

Notary Public: Jacy R. Williamson
My commission expires: 7/21/2011



The Daily Times

P.O. Box 9740

Maryville, TN 37802-9740

(865) 981-1100

NOTICE OF INTENT TO
ABANDON RAIL SERVICE
Norfolk Southern Railway
Company (NSR) gives notice that on or about June 12, 2009, it intends to file with the Surface Transportation Board (STB) a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 0.66-mile line of railroad between milepost 15.50 KA and milepost 16.16 KA, which traverses through United States Postal Service ZIP Code 37804, in Maryville, Blount County, Tennessee. The proceeding will be docketed as No. AB-290 (Sub No. 309X). The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E. Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0230. Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or trail bank, line/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E. Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a), and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use, or trails use may be directed to the STB's Office of Congressional and Public Services, 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative, James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241 (757) 629-2750. May 19, 2009.



Exhibit 4

Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

(757) 629-2759

June 1, 2009

Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219

Regional Director
National Park Service-Southeast Region
100 Alabama Avenue, S.W.
Atlanta, GA 30303

Eddie Roberson, Ph.D., Chairman
Tennessee Regulatory Authority
460 James Roberson Parkway
Nashville, TN 37243

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Re: STB Docket No. AB-290 (Sub-No. 309X), Norfolk Southern Railway Company –
Abandonment, in Maryville, Blount County, Tennessee

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about June 12, 2009, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 0.66-mile line of railroad lying between milepost 15.50-KA and milepost 16.16-KA in Maryville, Blount County, Tennessee (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Enclosure